

## **REMARKS**

This Amendment is responsive to the Office Action dated November 2, 2004. Claims 1-12 were pending in the application. In the Office Action, claims 1-12 were rejected. In this Amendment, claims 1, 11 and 12 were amended. Claims 1-12 thus remain for consideration.

Applicant submits that claims 1-12 are in condition for allowance and requests withdrawal of the rejections in light of the following remarks.

### **Specification**

Applicant notes Examiner's statement pertaining to the capitalization of trademarks in a patent application. In light of Examiner's remarks, Applicant reviewed its application and found that "Velcro" was properly capitalized in the present application.

### **Information Disclosure Statement**

Applicant notes Examiner's statement regarding the listing of references. However, an information disclosure statement does not need to be submitted at this time because Examiner has listed on all of the references found in Applicant's Background of the Invention on Examiner's PTO-892.

### **§§102 and 103 Rejection**

Claims 1-8 and 10-12 were rejected under 35 U.S.C. 102(b) as being anticipated by Graham (US Patent Number 4,455,705).

Claims 1-8 and 10-12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Paepke (US Patent Number 5,003,659) in view of Lacey et al. (PGPub 2002/0125605).

Claims 1-8, 11 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kilburn (US Patent Number 5,987,687) in view of Lacey et al. (PGPub 2002/0125605).

Claim 9 was rejected under 35 U.S.C. 103(a) as being unpatentable over Graham (US Patent Number 4,455,705) in view of Garcia (US Patent Number 5,419,015) or Paepke (US Patent Number 5,003,659) in view of Garcia (US Patent Number 5,419,015).

Claims 11 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Paepke (US Patent Number 5,003,659) in view of Lacey et al. (PGPub 2002/0125605) as applied to claims 1-10 above and further in view of Hortel et al. (US Patent Number 6,233,771).

Applicant submits that the independent claim (claim 1) is patentable over Graham, Paepke, Lacey, Kilburn, Garcia and Hortel – taken either alone or in combination.

Applicant's invention as recited in the independent claims is directed toward a cleaning device. Independent claim 1 specifies that the cleaning device comprises a cleaning member, a base plate and an ergonomic handle. Claim 1 further specifies that the handle has a channel formed between a bottom surface of the handle and the base plate, the channel is configured in such a manner as to accept at least part of a user's fingers when the handle is grasped from above. Supporting disclosure for Applicant's ergonomic handle can be found throughout the specification. (See, e.g., Page 13, lines 1-17).

Graham, Paepke, Lacey, Kilburn, Garcia and Hortel do not disclose an ergonomic handle having a channel formed between a bottom surface of said handle and said base

plate, said channel configured in such a manner as to accept at least part of a user's fingers when the handle is grasped from above.

Since Graham, Paepke, Lacey, Kilburn, Garcia and Hortel do not disclose an ergonomic handle having a channel formed between a bottom surface of said handle and said base plate, said channel configured in such a manner as to accept at least part of a user's fingers when the handle is grasped from above, Applicant believes that independent claim 1 is patentable over Graham, Paepke, Lacey, Kilburn, Garcia and Hortel -- taken either alone or in combination -- on at least this basis.

Claims 2-12 depend on claim 1. Since claim 1 is believed to be patentable over Graham, Paepke, Lacey, Kilburn, Garcia and Hortel, claims 2-12 are believed to be patentable over Graham, Paepke, Lacey, Kilburn, Garcia and Hortel on the basis of their dependency on claim 1.


Applicant respectfully submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

### CONCLUSION

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 06-0515.

Respectfully submitted,  
Stephen E. Feldman, P.C.

By:   
Stephen E Feldman  
Reg. No. 22,473  
(212) 532-8585